

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ALEXANDRE KANTOR,

Plaintiff,

MEMORANDUM & ORDER
19-CV-3597 (EK) (ST)

-against-

AIR ATLANTIC MEDICAL, P.C., and
ALEXANDER IVANOV, M.D., Individually,

Defendants.

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ERIC KOMITEE, United States District Judge:

The Court has received Magistrate Judge Steven Tiscione's Report and Recommendation (R&R) dated June 7, 2021. ECF No. 28. Judge Tiscione recommends that I grant Plaintiff's motion for default judgment, find Defendants jointly and severally liable under the Fair Labor Standards Act and New York Labor Law, and enter judgment against them in the amount of \$119,700.00, plus prejudgment interest.

As the R&R explains, the principal amount (\$119,700.00) is based on the following:

- \$54,650.00 in underpaid wages;
- \$54,650.00 in liquidated damages;
- \$10,000.00 in statutory damages for written notice and wage statement violations;

- \$400.00 in costs;
- \$0.00 in attorneys' fees.

The R&R also recommends that I calculate prejudgment interest by multiplying \$13.48 by the number of days between June 25, 2017 (halfway through Plaintiff's term of employment) and the date judgment is entered – here, August 31, 2021. There were a total of 1,528 days in that time period. Based on that figure, the total amount of prejudgment interest due is \$20,597.44. Combined with the principal amount calculated above, Defendants are jointly and severally liable for a sum of \$140,297.44.

Neither party has filed objections and the time to do so has expired. Accordingly, the Court reviews the R&R for clear error on the face of the record. See Advisory Comm. Notes to Fed. R. Civ. P. 72(b); accord *Gesualdi v. Mack Excavation & Trailer Serv., Inc.*, No. 09-CV-2502, 2010 WL 985294, at *1 (E.D.N.Y. Mar. 15, 2010). Having reviewed the record, the Court finds no clear error. Accordingly, the Court adopts the R&R in its entirety pursuant to 28 U.S.C. § 636(b)(1). Therefore, Plaintiff's motion for default judgment is granted. I find the

Defendants jointly and severally liable in the amount of \$140,297.44. The Clerk of Court is respectfully directed to enter judgment and close this case.

SO ORDERED.

/s Eric Komitee

ERIC KOMITEE

United States District Judge

Dated: August 31, 2021
Brooklyn, New York